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AT SEATTLE
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WESTERN DISTRICT OF WASHINGTON
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03-CV-02638-CMP

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA, *EX. REL.*
DUPONT COMMERCIAL FLOORING
SYSTEMS, INC., dba DUPONT FLOORING
SYSTEMS,

Plaintiff,

v.

TOUCHSTONE INDUSTRIES, INC., a
Washington corporation; OSBORNE
CONSTRUCTION COMPANY, a Washington
Corporation; AMERICAN STATES
INSURANCE COMPANY, and SAFECO
INSURANCE COMPANY OF AMERICA,

Defendants.

NO.

C03-2638

COMPLAINT

For cause of action against Defendants, pursuant to 40 U.S.C. § 270b, ("Miller Act"),
Plaintiff alleges as follows:

On March 21, 2001 Defendant Touchstone Industries, Inc., ("Touchstone") became
indebted on a contract, express or implied, for merchandise sold and delivered and/or services
rendered to Touchstone at its request, on which there is a past due and unpaid balance of

COMPLAINT

0305-12 ss

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S/c Issv # 850627

1 \$374,052.50, plus interest at the rate of 12% per annum from September 3, 2002, for which
2 demand has been made.

3 The labor and materials hereinabove described was performed or supplied at the special
4 instance and request of Defendant Touchstone, a general contractor furnishing the payment
5 bond below mentioned and with whom Plaintiff had a direct contractual relationship and to
6 whom Plaintiff was a material supplier for the project known as Renovate Buildings 2019, 2020,
& 2021, Fort Lewis, Washington, Contract No. DACA67-00-C-0232.

7 Defendant Safeco Insurance Company of America ("Safeco") is the Surety under a
8 payment bond number 6080985, under which Defendant Osborne is principal.

9 Defendant Touchstone's Contractor's License Number is TOUCHII024QC.

10 Defendant American States Insurance Company is the surety under Touchstone's
11 Contractor's License Bond No. 6090673, which bond is in the penal sum of \$6000.00.

12 Plaintiff is a member of the statutory class entitled to claim against said Contractor's
13 License Bond.

14 WHEREFORE, Plaintiff prays for Judgment against Defendants as follows:

15 1. Against Defendants Touchstone Industries, Inc., and Safeco Insurance Company
16 of America in the sum of \$374,052.50, plus interest at the rate of 12% per annum from
September 3, 2002 until paid;

17 2. Against Defendant American States Insurance Company in the sum of
18 \$6,000.00;

19 3. Taxable costs;

20 4. Such other and further relief as is proper in the premises.

21 DATED this 21st day of August, 2003.

22 

23
24 Stephen A. Bernheim, WSBA #15225
Attorney for Plaintiff

25 COMPLAINT

26 0305-12 ss

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